

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

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4 BRANDYN GAYLER, ) Case No. 2:14-cv-00769-APG-CWH  
5 Plaintiff, )  
6 v. )  
7 HIGH DESERT STATE PRISON, et al, ) **ORDER**  
8 Defendants. )  
9 \_\_\_\_\_ )

10 Presently before the Court is Plaintiff's motion to reopen discovery (ECF No. 80), filed on  
11 November 21, 2016. Defendants filed a response (ECF No. 84) on December 7, 2016. Plaintiff filed  
12 a reply (ECF No. 86) on December 19, 2016.

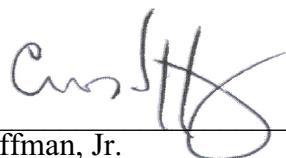
13 Plaintiff requests that discovery be re-opened in this matter, arguing that he has been unable  
14 to obtain certain documents relevant to Plaintiff's opposition to the pending motion for summary  
15 judgment, and that such documents cannot be reasonably obtained except through reopening  
16 discovery. Defendant opposes the motion, arguing that discovery has long since closed in this  
17 matter, that Plaintiff's newly-appointed counsel has not been diligent in pursuing discovery, and that  
18 Plaintiff has not shown that the requested materials would be relevant to this case.

19 The Court notes that Plaintiff's pro bono counsel was appointed pursuant to this Court's  
20 order (ECF No. 57) for further briefing on two specific issues: (1) whether P-seg inmates at High  
21 Desert State Prison (HDSP) are treated differently than at Lovelock Correctional Center (LCC),  
22 Northern Nevada Correctional Center (NNCC), or Warm Springs Correctional Center (WSCC), and  
23 (2) whether such differing treatment would constitute an Equal Protection violation. The latter issue  
24 is purely a question of law. However, the former is a question of fact, and as both Plaintiff's motion  
25 and Defendant's response make clear, at least some of these facts are available to Plaintiff only  
26 through further discovery. The Court has explicitly ordered further briefing on these issues, and in  
27 order to effectuate that order, discovery on these topics is necessary.

1 IT IS THEREFORE ORDERED that Plaintiff's motion to reopen discovery (ECF No. 80) is  
2 GRANTED in part.

3 IT IS FURTHER ORDERED that within 30 days of the date of this order, the parties shall  
4 meet and confer and file a revised discovery plan and scheduling order for discovery limited to the  
5 issues enumerated above.

6 DATED: December 23, 2016.

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8 C.W. Hoffman, Jr.  
9 United States Magistrate Judge

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